

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN K. DORSEY, #426189,

Petitioner,

Civil Action No. 18-CV-10338

vs.

HON. BERNARD A. FRIEDMAN

LORI GIDLEY,

Respondent.

**OPINION AND ORDER DISMISSING WITHOUT PREJUDICE PETITIONER'S
APPLICATION FOR A WRIT OF HABEAS CORPUS, DENYING A CERTIFICATE
OF APPEALABILITY, AND DENYING LEAVE TO PROCEED ON APPEAL
IN FORMA PAUPERIS**

This is a pro se habeas case brought pursuant to 28 U.S.C. § 2254. Petitioner was convicted of being a felon in possession of a firearm, carrying a concealed weapon, and possessing a firearm during the commission of a felony, second offense, following a jury trial in Wayne County Circuit Court. On October 3, 2014, he was sentenced to five years probation on the felon in possession and carrying a concealed weapon convictions and to five years imprisonment on the felony firearm conviction. Petitioner raises claims concerning trial counsel's failure to seek suppression of the gun evidence and the trial court's questioning of a defense witness.

When petitioner instituted this action in 2018, he was confined at the Central Michigan Correctional Facility in St. Louis, Michigan. The Court issued a Notice Regarding Parties' Responsibility to Notify Court of Address Changes on February 9, 2018. Respondent filed an answer and the state court record in August 2018. Petitioner did not file a reply. The Court has since discovered that petitioner was discharged from his sentences on October 2,

2019, and is no longer in state custody. *See* Offender Profile, Michigan Department of Corrections Offender Tracking Information System ("OTIS"), <http://mdocweb.state.mi.us/otis2profile.aspx?mdocNumber=426189>. In the interim, petitioner has not contacted the Court, and the Court has no known address for him.

This Court's Local Rule 11.2 states:

Every attorney and every party not represented by an attorney must include his or her contact information consisting of his or her address, e-mail address, and telephone number on the first paper that person files in a case. If there is a change in the contact information, that person promptly must file and serve a notice with the new contact information. The failure to file promptly current contact information may subject that person or party to appropriate sanctions, which may include dismissal, default judgment, and costs.

Pro se litigants have the same obligation as an attorney to notify the Court of a change of address. "[Petitioner] has the duty to inform the court of any address changes, and it is not incumbent upon this Court or its staff to keep track of Petitioner's current address." *Thompkins v. Metrish*, No. 2:07-CV-12; 2009 WL 2595604, at *1 n.1 (W.D. Mich. Aug. 20, 2009) (internal quotation marks and citation omitted). Additionally, the Court may dismiss a case for "failure of the plaintiff to prosecute or to comply with these rules or any order of the court." Fed. R. Civ. P. 41(b).

In the present case, petitioner was discharged from his sentences and released from state custody in October 2019, but he has not provided the Court with updated contact information or taken any action to prosecute the matter since filing his petition in January 2018. His case is therefore subject to dismissal pursuant to E.D. Mich. LR 11.2 and Fed. R. Civ. P. 41(b). Accordingly,

IT IS ORDERED that petitioner's application for a writ of habeas corpus is denied without prejudice.

IT IS FURTHER ORDERED that no certificate of appealability shall issue because petitioner has not made a substantial showing of the denial of any of his constitutional rights. Nor may he proceed on appeal in forma pauperis, as no appeal in this matter could be taken in good faith.

Dated: July 20, 2020
Detroit, Michigan

s/Bernard A. Friedman
Bernard A. Friedman
Senior United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 20, 2020.

John Dorsey, #426189
Central Michigan Correctional Facility
320 N. Hubbard
St. Louis, MI 48880

s/Johnetta M. Curry-Williams
Case Manager